

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG**

**WALHONDE TOOLS, INC.,**

**Plaintiff,**

**Civil Action No. 1:09-CV-48**

**v.**

**Judge Keeley**

**WILSON WORKS, INC., a West Virginia corporation, NORTHCO CORP., a West Virginia corporation, NAES POWER CONTRACTORS, INC., a successor by merger to American Boiler & Chimney Company, a Washington corporation, MINNOTTE CONTRACTING CORPORATION, a Pennsylvania corporation, FOSTER WHEELER ZACK, INC., a Delaware corporation, DAY & ZIMMERMAN NPS, INC., a Delaware corporation,**

**Defendants.**

**DEFENDANT WILSON WORKS, INC.'S**  
**MARKMAN RESPONSE BRIEF**

Defendant, Wilson Works, Inc. ("Wilson Works") files this Markman Response Brief in accordance with the Court's Scheduling Order of September 18, 2009, Document 76.

The Scheduling Order required every party to file a Markman Brief by September 1, 2010. However, the Plaintiff, Walhonde Tools, Inc., failed to file a brief.

Wilson Works therefore respectfully requests that the Court adopt its claim constructions provided in the Markman Brief it filed September 1, 2010, Document 133 ("Defendant Wilson Works, Inc.'s Markman Brief"). Wilson Works further requests that the Plaintiff be prohibited from disputing those claim constructions because of Plaintiff's failure to file its Markman Brief.

Dated: September 15, 2010

**WILSON WORKS, INC.**

**By Spilman Thomas & Battle, PLLC**

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corporation, NORTHCO CORP., a  
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CONTRACTORS, INC., a successor by  
merger to American Boiler & Chimney  
Company, a Washington corporation,  
MINNOTTE CONTRACTING  
CORPORATION, a Pennsylvania  
corporation, FOSTER WHEELER ZACK,  
INC., a Delaware corporation, DAY &  
ZIMMERMAN NPS, INC., a Delaware  
corporation,**

**Judge Keeley**

**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2010 a true and correct copy of the foregoing  
“**Defendant Wilson Works, Inc.’s Markman Response Brief**” was filed with the Court using  
the Court’s CM/ECF system, which will provide notice to the following:

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And that a true and correct copy was served by  
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/s/ James A. Walls  
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